

To: Tom Hagler/R9/USEPA/US@EPA[]
From: "Hal Candee"
Sent: Wed 8/22/2012 10:34:37 PM
Subject: FW: status of BDCP after the 7/25 announcement

Looks like we won't be able to make it to Carl's birthday event this Saturday at Liz's house, so I thought I should send this along to you in response to your likely Q: "so, Hal, how's your wonderful BDCP process looking NOW?"

Hope you are well. Cheers,
H.

-----Original Message-----

From: Hal Candee
Sent: Wednesday, August 22, 2012 3:08 PM
To: Robert C. Vandermark; Ex. 6 - Personal Privacy
Cc: Jensen, Jay
Subject: FW: status of BDCP after the 7/25 announcement

Hi Rob:

I haven't spoken with you since Secretary Salazar's and Governor Brown's big announcement on the Bay-Delta, but it feels like a conversation is overdue. As I am sure you would agree, what was once a promising new framework seems to be heading toward a political disaster and a doomed restoration effort.

While much of the blame lies with the Governor himself, it has not been helpful that the federal agencies now seem to be ignoring the NGO's who worked so hard to help make the new framework succeed: indeed, just yesterday they announced unilaterally (via their State partners) that they will no longer meet with us each month in open plenary form as we had been doing for the past several months (to very positive effect). This is odd since we specifically asked them not to cancel these plenaries, and none of us were given a heads up that our request would be rejected.

While some of this may just be due to August vacations and post-July 25th exhaustion, it is becoming increasingly clear that the agencies are so focused on the artificial new deadlines that the Governor gave them (i.e. to rush out more inadequate BDCP documents as demanded by the ag contractors) that working with the conservation community seems to have become a much lower priority for both the federal and the state administrations. In any case, that's how I see it one month after the announcement.

I am pasting in below one of 3 very substantive emails from our group of NGO's that the agencies have ignored in recent weeks. Don't know if you saw it previously. When you get a minute, would love to discuss all of this with you. Also, I will be in DC on September 13-14 and would love to come by and talk with you and Jay about all of this (and Mike Boots as well, if he is around). Finally, I don't know if you attend political conventions, but I will be in Charlotte for this year's convention in case you plan to be there.

Thanks for your interest in our views on the Bay Delta Conservation Plan.

Hal

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-----Original Message-----

From: Gary Bobker [mailto:bobker@sbcglobal.net]
Sent: Monday, August 13, 2012 11:46 AM
To: Letty Belin; Mike Connor; Will Stelle; Ren Lohofener
Cc: David Hayes; David Nawi; Don Glaser; Maria Rea; Dan Castleberry; Kate Poole; Barry Nelson; Doug Obegi; Erin Lieberman; Hal Candee
Subject: status of BDCP after the 7/25 announcement

Dear Letty, Mike, Will, and Ren,

We have not yet had a chance to talk with all of you about the July 25th Press Conference and the media's response to the Governor's and Secretary's BDCP Announcement. Given the general tone of both the announcement and of the news articles and the editorials responding to it, it is hard to escape the feeling that our shared goal of securing a successful Plan has become more difficult. You have no doubt seen plenty of clips that underscore that point: a sample list is provided below. (All of these can be found quickly on aquaforia.com.) As these reports reflect, the announcement increased and broadened the opposition to BDCP and may set back our collective efforts to shape a successful and durable delta solution. Indeed, the Governor's combative tone was particularly problematic, as some of the editorials have noted.

Here's a sampling:

· "What the governor's office billed as a 'path forward on California's water future' turned into a step back.... Why is the governor going out of his way to pick a fight?" (San Francisco Chronicle Editorial, 7/29/12) · "Gov. Jerry Brown's tunnel vision on the Sacramento-San Joaquin River Delta points to a \$23 billion disaster.... Los Angeles and Big Ag are cheering. Not us." (San Jose Mercury News Editorial, 7/27/12) · "We must build now and ask questions later," declared [Governor Pat Brown's] water director, Harvey Banks, in speeches up and down the state. Some things never change." (Los Angeles Times, 7/29/12) · "There's nothing to like about the delta tunnel proposal and plenty to fear." (Chico Enterprise-Record Editorial, 7/27/12) · "...there are ways to get things done and then there are ways to just make people angry and further divide the state over water. The governor appears to have stumbled on the latter with his damn the torpedoes approach..." (Santa Rosa Press Democrat Editorial, 7/26/12) · "'Wanting to 'get s--t done,' in the governor's words, is a problem if you wind up with s--t as the outcome.' Of the dozen or so environmental responses ..., Bobker's quote stood out, and not just because he picked up so well on the tone of Brown's announcement." (Fresno Bee, 8/2/12) · "Just a water grab." (Stockton Record Editorial, 7/30/12) · "Delta plan heralds disaster" (Redding Record Searchlight Editorial, 7/31/12) · "The agency will continue to strongly oppose Delta Plan revisions like the twin-tunnel plan that would take water supplies essential for farms, cities and eco-systems in Placer County to solve Delta environmental problems caused by water-export deliveries to the Bay Area and Southern California" (Auburn Journal, 7/30/12 (quoting local water officials)) · "...the old water wars that have pitted Californians against brother and sister have been revived." (LA Daily News Editorial, 7/31/12)

In light of the critical coverage of the July 25th press conference, and the intensified conflicts it seems to have ignited, the attention on the agencies to demonstrate that BDCP actually can and will restore the delta and its imperiled fisheries has grown. That is doubly true for the effort to build moderate support for the proposal in Northern California, in the Delta region, and among conservation and fishing interests. This includes our

organizations, which have cautioned repeatedly over the past few months that being specific about new conveyance without being specific about ecosystem commitments would not lead to success.

We would appreciate the opportunity to talk with you soon about all of this, and have suggested that the CSG "small group" reconvene with you all later this month to do so. Hopefully that could include a discussion of your plan and schedule for finally resolving in the near-term the critically important outstanding issues about the project, especially:

- a complete set of SMART objectives that define the desired and expected recovery and restoration outcomes of BDCP;
- the specific initial operations criteria and other key elements of the proposed BDCP project (such as intake performance criteria and decision tree criteria relating to habitat restoration) that are designed to achieve those objectives; and,
- the enforceable permit terms, independent science process, and other requirements that address how those objectives will be achieved throughout the life of the plan.

We have been clear for a very long time that these elements form the basis for a successful BDCP. In the days ahead, it will be essential for the agencies to demonstrate very specifically how the fragile Delta ecosystem will receive reliable protections in the face of the inevitable contractor pressures for more exports from their expensive new conveyance system.

Thanks for your consideration,

Kate Poole, Natural Resources Defense Council

Hal Candee, for Defenders of Wildlife

Gary Bobker, The Bay Institute

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